(1)

SINGLE BENCH

(2)

CT-1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C.) NO. 214 / 2007

PETITIONER : Hari Shankar Lahare
S/o. Shri Shambhudayal Lahare
Aged about 39 years
Sarpanch ,Gram Panchayat
Samesar, Tehsil Navagarh
District Durg (C.G.)

P.R. No. 935102
Presented by Santosh Rhad
dated 21/2/07

VERSUS

RESPONDENTS : 1) State of Chhattisgarh
Through : The Secretary
Department of Panchayat and
Social Welfare Mantralaya
D.K.S. Bhawan Raipur (C.G.0

2) Rajkumar Didore
S/o- Padum Lal Didore,30 yrs.
R/o. Village Cheetapar
Post & Tehsil Navagarh
District Durg (C.G.)

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21/2/07
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3) The Specified Officer
Cum Sub Divisional Officer
Bemetara , District Durg (C.G.)

4) Girwar Singh
S/O Shri Thanwar, 61 years
R/O Vill. Kapri Teh. Navagarh
Distt. Durg (C.G.)

एस.के. दुबला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट

5) Dauram Banjare
S/O Milauram, 50 years
R/O Vill. Kapri The. Navagarh
Distt. Durg (C.G.)

6) Dinesh Kumar
S/O Shri Puhupdas , 37 years
R/O Vill. Cheetapar Teh. Navagarh
Distt. Durg (C.G.)

7) Deepak Kumar

(5)

(3)

S/O Bansilal Banjare, 30 years
R/O Vill. Kapri, Teh.Navagarh
Distt. Durg (C.G.)

8) Maniram
S/O Shankar Jogi , 32 years
R/O Vill. Cheetapur Teh. Navagarh
Distt. Durg (C.G.)

9) Milauram
S/O Santuram Sahu, 50 years
R/Ovill. Samesar Teh.Navagarh
Distt. Durg (C.G.)

10) Ramdas Manikpuri
S/O Guhadas Manikpuri,35 yrs.
R/o Vill. Samesar Teh.Navagarh
Distt. Durg (C.G.)

11) Ramratan
S/O Bhakla Chaturvedi, 32 yrs.
R/O Vill. Cheetapur Teh. Navagarh
Distt. Durg (C.G.)

12) ShivKumar
S/O Sunderdas Vaishnav, 35 yrs.
R/O Vill. Samesar TEh.Navagarh
Distt. Durg (C.G.)

13) Shri M.L.Gupta
S.D.O.Bemetra cum Returning
Officer Block Navagarh Distt.Durg

14) Shri D.S.Ratre
Instructing Officer I.T.I. Bemetra
Distt. Durg (C.G.)

15) Shri B.R.Soni
Instructing Officer I.T.I. Bemetra
Distt. Durg (C.G.)

WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioner.

As per cause title.

XI-HC-22

(56)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.(C) 214/ **सन्** 2007

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

06.02.2007

On a mention being made, the matter is taken-up for hearing.

Shri Praful Bharat, counsel for the petitioner.

Shri Rajeev Shrivastava, counsel for respondent No.2.

Shri Utkarsh Verma, Dy Government Advocate for respondents No.1 & 3/ State.

None for respondents No.4 to 15.

Heard on admission and on M.(W.)P.No.448/2007.

Petitioner is the returned candidate and respondent No.2 is the election petitioner. This is third round when parties agitated the order passed by the Specified Officer; Specified Officer without assigning any reason, by a non-speaking impugned order, directed recount of votes; hence, this petition.

Admittedly, evidence of both the parties have been recorded by the Specified Officer, who also heard both the parties for final disposal of the Election Petition, but instead passing final order, he has directed recount of the votes.

The secrecy of the ballot is sacrosanct in a democracy and hence unless the affected candidate is able to allege and substantiate in acceptable measure by means of evidence that a prima facie case of a high degree probability existed for the recounting of votes, in that case only recounting of votes can be directed.

(पाछ पाखेये)

(57)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.(C) 214/ **सन्** 2007

..... **विरुद्ध** .....

ा का आदेश सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	When evidence has already been recorded by the specified Officer, who also heard finally both the parties, it was incumbent on his part to record conclusion in accordance with settled principles and law laid down by Hon'ble the Apex Court from time to time with regard to recounting of votes, and to pass reasoned, speaking order. In view of the above, the impugned order passed by specified officer on 31.01.2007 for recounting of votes is set aside and he is directed to pass speaking and reasoned order in accordance with law and settled principles regarding recounting of votes. With the aforesaid observation, petition stands disposed of. Consequently, M.(W.)P.No.448/2007 stands disposed of. Sd/- V.K. Shrivastava Judge	

(पीछे देखिये)